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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,332	09/02/2004	Helmut Moser	Q81902	8802

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EXAMINER

PHAN, JAMES

ART UNIT PAPER NUMBER

2872

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/506,332	<b>Applicant(s)</b> MOSER ET AL.	
	<b>Examiner</b> James Phan	<b>Art Unit</b> 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 26-47 is/are pending in the application.
- 4a) Of the above claim(s) 26,33-40,46 and 47 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-32 and 41-45 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Election/Restrictions***

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- I. The first embodiment depicted in Fig. 1.
- II. The second embodiment depicted in Fig. 2.
- III. The third embodiment depicted in Fig. 3.
- IV. The fourth embodiment depicted in Fig. 4.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Species I includes claims 27-32 and 41-45;

Species I includes claims 39 and 47;

Species I includes claims 26 and 40;

Species I includes claims 33-38 and 46.

The following claim(s) are generic: none.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: each of the species includes special technical features which are not included in the other species.

During a telephone conversation with Mr. John Mion on 9/5/06 a provisional election was made without traverse to prosecute the invention of Group I, claims 27-32 and 41-45. Affirmation of this election must be made by applicant in replying to this Office action. Claims 26, 33-40 and 46-47 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 1/26/05 and 9/2/04 have been considered by the examiner.

***Specification***

The disclosure is objected to because of the following informalities: the teachings in the specification should not be referred to the claims. For a few examples, see page 1, line 8; page 2, lines 13 and 23; and page 3, lines 31 and 33.

Appropriate correction is required.

***Claim Objections***

Claim 27 is objected to because of the following informalities: "by the adhesive" (claim 27, second last line) lacks a proper antecedent basis. Should "a layer (9)" (claim 27, lines 10-11) be changed to --an adhesive layer (9)--? Also, should "and in that situation" (line 13) be changed to --, wherein--?.

Appropriate correction is required.

***Allowable Subject Matter***

Claims 27-32 and 42-45 are allowed.

The following is an examiner's statement of reasons for allowance: none of the cited references teaches or fairly suggest (1) a process for the production of a reflective plate having the method steps defined claim 27; particularly the step of applying the

reflection film (10) to a layer (9) which is translucent in respect of the light of the electroluminescence flat capacitor (4, 5, 6, 7) and is of approximately the same optical refractive index as the rearwardly projecting prismatic structures (12) of the reflection film (10), wherein the intermediate spaces between the prismatic structures (12) are partially filled by the adhesive to such an extent that the reflection value of the reflection film (10) is reduced in the desired manner (claim 27, last six lines) in combination with the remaining features of the claim; and (2) a reflective plate having an electroluminescence flat capacitor and a reflective film, wherein in prismatic structures which project from the rear side of the reflection film and at the interfaces of which the light incident from the front side is reflected by total reflection are partially embedded into a transparent layer having approximately the same refractive index as the prismatic structures so as to reduce the total reflectance of the film to a desired value.

Fitzke et al, Pub. No. US 2005/0120605 A1, discloses a plate (1) having a retroreflective film (5) applied on an electroluminescence flat capacitor (7,2,3,4), but silent of providing an adhesive or a transparent layer of approximately the same optical refractive index as the rearwardly projecting prismatic structures of the reflection film for partially filling the intermediate spaces between the prismatic structures so as to reduce the reflection value of the reflection film.

Claims 28-32 and 42-45 are directly or indirectly dependent on the allowable claims and thus allowable at least for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

This application is in condition for allowance except for the following formal matters:

The objection to the specification and the objection to claim 27.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

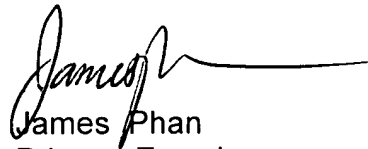
A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

The non-elected invention including claims 26, 33-40 and 46-47 will be canceled by an examiner's amendment when the case is in the condition for allowance. However, a cancellation of these claims by Applicant in his response to this office action is preferred.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (571) 272-2317. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



James Phan  
Primary Examiner  
Art Unit 2872

JP  
Sept. 5, 2006